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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 **JOSEPH FAIRWEATHER,**

11 **Petitioner,**

12 **v.**

13 **ROB McKENNA.**

14 **Respondent.**

CASE NO. C11-5659-RBL-JRC

ORDER DIRECTING SERVICE
AND RETURN, §2254 PETITION

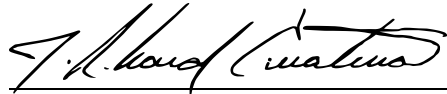
15 (1) The clerk shall arrange for service by certified mail upon respondent
16 and the Attorney General for the State of Washington, copies of the petition, all
17 documents in support thereof. All costs of service shall be advanced by the United
18 States. The Clerk shall assemble the necessary documents to effect service. In addition,
19 the Clerk shall send petitioner a copy of this Order, along with a copy of the Court's
General Order regarding pro se litigation.

20 (2) Within forty-five (45) days after such service, respondent(s) shall file and
21 serve an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in
22 United States District Courts. As part of such answer, respondent(s) should state whether
23 petitioner has exhausted available state remedies, whether an evidentiary hearing is
24 necessary, and whether there is any issue of abuse or delay under Rule 9. Respondent

1 shall not file a dispositive motion in place of an answer without first showing cause as to
2 why an answer is inadequate. Respondent(s) shall file the answer with the Clerk of the
3 Court and serve a copy of the answer upon petitioner.

4 (3) The answer will be treated in accordance with Local Rule CR 7.
5 Accordingly, upon receipt of the answer the Clerk will note the matter for consideration
6 on the fourth Friday after the answer is filed, petitioner may file and serve a response not
7 later than on the Monday immediately preceding the Friday appointed for consideration
8 of the matter, and respondent may file and serve a reply brief not later than on the
9 Thursday immediately preceding the Friday designated for consideration of the matter.

DATED this 1st day of September, 2011.

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12 J. Richard Creatura
13 United States Magistrate Judge
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